

REMARKS

This Amendment is in response to the Office Action dated January 17, 2008.

Applicants note the Examiner has entered Applicants' request for continued examination under 37 C.F.R. 1.114.

Claims 1-2, 4-7, 16-19, 25-28 and 33 are all the claims presently pending in the application, of which claims 1, 16 and 25 are independent. Claim 3 has been cancelled in this Amendment and claims 8-15, 20-24, 29-32 and 34-36 were previously cancelled.

In response to the current Office Action, Applicants have amended claims 1-2, 4-7, 16-19, 25 and 27-28 to more clearly set forth the present invention and patentably distinguish the present invention over the cited prior art.

Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected claims 2, 6, 17, 25 and 27 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicants have amended the claims to more clearly set forth the present invention. In particular, claims 2, 17 and 27 have been amended to recite that the "cleaning solution air compressor system is coupled to a vehicle engine of the vehicle" for at least partially powering the air compressor system. Applicants have amended claims 6 by replacing the "associated" language with "operatively coupled." Finally, with respect to claim 25, Applicants replaced the "cleaning rate" language to recite "configured to clean at least 50 square feet of textile area per gallon of cleaning solution." Based on the foregoing amendments to the claims, Applicants respectfully request the Examiner withdraw the rejections under 35 U.S.C. 112, second paragraph.

Rejection under 35 U.S.C. 103(a)

Applicants respectfully note at the outset that in order to establish a *prima facie* case of obviousness, three criteria must be satisfied: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and, third, the prior

art reference (or references when combined) must teach or suggest all the claim limitations. *See* M.P.E.P. 2143.

The Examiner rejected claims 1-7, 16-19, 25-28 and 33 under 35 U.S.C. 103(a) as being unpatentable over Sales in view of Brain et al. (hereinafter referred to as “Brain”). However, Applicants respectfully disagree with this rejection, for at least the reasons set forth below, and respectfully submit that the rejection of claims 1-7, 16-19, 25-28 and 33 should be withdrawn.

In the rejection, the Examiner acknowledges that Sales is deficient by not disclosing an air compressor system. To overcome such deficiency, the Examiner relies on Brain, stating the following:

However, Brain et al. discloses an air pressure pump used to move cleaning solution (Lines 96 – 105). At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Sales with Brain et al. to create an air driven fluid system to achieve the expected result. *See* Office Action, page 4, line 25 – page 5, line 3.

First, Applicants respectfully disagree that the Examiner’s proposed modification would have been obvious to a person of ordinary skill in the art. Specifically, Sales’ teachings are directed to moving water and cleaning solution through the system via water pumps and employing heat exchangers for heating such water and cleaning solution in the system. *See* Sales, col. 2, lines 15-36. There is no teaching or suggestion to move the liquid within the Sales teachings utilizing an air compressor system, as recited in claim 1. In addition, making the Examiner’s proposed modification to arrive to Applicants’ claimed invention of utilizing an air compressor system “to move the cleaning solution . . . through the delivery system and to the textile area” (as recited in independent claim 1) would likely result in removing key components of the Sales device, such as pump 68, flow control valve 69 and water pump 50, each of which are required components with the particular device taught in Sales. *See* Sales, col. 4, line 63 – col. 5, line 8; Fig. 2. Such modifications are not taught or suggested in the Sales reference or in the simplistic teachings of the Brain reference. As such, there would be no motivation, nor desirability, to one of ordinary skill in the art to make the proposed modification. Further, the Brain reference’s teachings were published in 1980, much earlier than the Sales references teachings as well as Applicants’ filed patent application.

If the Examiner's proposed modification were obvious, the proposed modification would have long since been made by one of ordinary skill in the art.

Furthermore, the Brain reference's teachings are primarily directed to a cleaning unit on casters with a hand pump to pressurize a container of cleaning solution to be sprayed on textile. *See Brain*, page 1, lines 11-16, 22-24, 32-36, 51-80; Fig. 1. The teachings are primarily directed to employing a hand pump to pressurize the container, but only provides an alternative to such hand pump of utilizing an air compressor to pressurize the container, with a control valve to shut the compressor off, in the event of excess air pressure. *See Brain*, page 1, lines 96-105. Such incidental and minimal disclosure is hardly enough to provide the teachings and suggestion necessary to motivate one of ordinary skill in the art to modify the teachings so as to change integral and fundamental structural components of the Sales reference in the manner suggested by the Examiner. Applicants respectfully submit that the Examiner's proposed modification is would be made only using "hindsight," and that one of ordinary skill in the art would not have been motivated to make the proposed modification as suggested by the Examiner.

For at least the reasons outlined above, Applicants respectfully disagree that the proposed modification would have been obvious to one of ordinary skill in the art and therefore respectfully submit that the rejection of all the claims should be withdrawn.

Second, even if the Examiner's proposed modifications were made, the resulting structure does not teach or suggest each and every claim limitation of amended claim 1. Specifically, amended claim 1 recites the following (emphasis added):

1. A vehicle designed to implement application of a cleaning solution to a remote textile area to be cleaned, the vehicle comprising:
 - a) a storage system, positioned in the vehicle, and designed to hold the cleaning solution, the storage system including **an acid solution tank and a base solution tank**;
 - b) **a delivery system fluidly coupled to the acid solution tank and the base solution tank** to enable delivery of the cleaning solution to the textile area to be cleaned;
 - c) an effluent storage system, positioned in the vehicle, and designed to hold dirty cleaning solution that has been extracted from the textile area; and
 - d) a cleaning solution air compressor system **fluidly coupled to the acid solution tank and the base solution tank, and configured to**

move the cleaning solution from the acid solution tank and the base solution tank, through the delivery system and to the textile area;
wherein the delivery system comprises a **mixing chamber configured to be fluidly coupled to each of the acid solution tank and the base solution tank and configured to mix the cleaning solution before application to the textile area.**

In contrast, the Sales reference and the Brain reference, alone or in combination, do not teach or suggest a “storage system including an acid solution tank and a base solution tank; a delivery system fluidly coupled to the acid solution tank and the base solution tank . . . a cleaning solution air compressor system fluidly coupled to the acid solution tank and the base solution tank, and configured to move the cleaning solution from the acid solution tank and the base solution tank, . . . wherein the delivery system comprises a **mixing chamber** configured to be fluidly coupled to each of the acid solution tank and the base solution tank and configured to mix the cleaning solution before application to the textile area.”, as recited in amended claim 1. Rather, Sales only teaches a single container of chemical addition tank 67 that is directed through channel 66 to directly mix with water in channel 47 before entering pump 50, and not a “mixing chamber configured to be fluidly coupled to each of the acid solution tank and the base solution tank and configured to mix the cleaning solution before application to the textile area,” as recited in claim 1. *See* Sales, col. 4, lines 63-66; Figs. 2 and 3. Likewise, Brain teaches a single container of pre-mixed cleaning solution directly delivered to a cleaning area. *See* Brain, pg. 1, lines 32-35. In the current Office Action, the Examiner has asserted that Sales “discloses a mixing chamber where the chemical line (66) mixes with the water line (47).” *See* Office Action, page 4, lines 19-20. However, Applicants respectfully submit that Sales does not teach a “mixing chamber,” but only the chemical being mixed with the water via the chemical line converging with the water line. *See* Sales, Fig. 2.

Based on the foregoing reasons, Applicants respectfully submit that even if one of ordinary skill in the art did make the Examiner’s proposed modification, there is no teaching or suggestion of each and every claim limitation of amended claim 1. Therefore, Applicants respectfully request the Examiner withdraw the rejection of amended independent claim 1.

In addition to the arguments set forth above, further arguments support the patentability of independent claims 16 and 25. In particular, independent claim 16 recites “the delivery system having a flow rate less than 1.5 gallons per minute of cleaning solution while being applied to the textile area;”. In the Office Action, the Examiner asserts that the Sales reference “discloses the flow rate is less than 1.5 gallons because it can be turned off.” *See* Office Action, page 4, lines 22-23. Applicants respectfully disagree with this assertion. First, the limitation recited in claim 16 specifically provides a flow rate “while” being applied to the textile. As such, the claimed flow rate is based on actual flow, not a flow when or as the device is turned off. Secondly, by definition, flow rate is the amount of flow per time unit. In other words, flow rate can only be determined when there is actual flow over a period of time. For these reasons, Applicants respectfully submit that the Sales reference and the Brain reference, alone or in combination, do not teach or suggest the claimed flow rate limitation in independent claim 16. Similarly, neither Sales nor Brain, alone or in combination, teaches or suggests a “delivery system configured to clean at least 50 square feet of textile area per gallon of cleaning solution;”, as recited in independent claim 25. The Examiner asserts that the structures of Sales and Brain, in combination, are the same as the claimed structure of the present invention. *See* Office Action, page 4, lines 24-26. Applicants respectfully submit that the amended claims provide substantially different claimed structures than that disclosed in Sales and Brain, alone or in combination. For at least the reasons outlined above, in addition to those outlined with regard to independent claim 1, the Examiner’s rejections of claim 16 and 25 have been overcome and should be withdrawn.

In summary, as shown in the foregoing arguments, amended independent claim 1 is patentably distinguishable over the cited prior art references. Moreover, amended independent claims 16 and 25 are patentably distinguishable over the cited prior art references for at least the same reasons as amended independent claim 1 (and for additional reasons set forth in the preceding paragraph). In addition, with respect to dependent claims 2, 4-7, 17-19, 26-28 and 33, they are patentably distinguishable over the cited prior art references for at least the same reasons as amended independent claims 1, 16 and 25 based on at least their respective dependency from independent claims 1, 16 and 25.

CONCLUSION

In view of the remarks submitted herein, Applicants respectfully submit that each of the pending claims 1-2, 4-7, 16-19, 25-28 and 33 are now in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of the claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 17th day of July, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keely Schneiter". The signature is fluid and cursive, with a large, stylized initial "K".

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